

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 19-10081-IT
	)	
GORDON ERNST, <i>et al.</i>	)	
	)	
Defendants.	)	

JOINT PROPOSED BRIEFING SCHEDULE ON  
MOTIONS TO DISMISS THE INDICTMENT

The United States of America, together with Defendants Gordon Ernst, Donna Heinel, Jorge Salcedo, Jovan Vavic and Niki Williams, jointly move this Court to enter an order setting a revised briefing schedule on the defendants' proposed Rule 12(b)(3)(B)(v) motions to dismiss for failure to state an offense. In support of this request, the parties state the following:

1. On October 1, 2019, the Court set a briefing schedule on motions to dismiss the indictment pursuant to Rule 12(b)(3)(B)(v), ordering that any such motions be filed by October 15, 2019, that the government's opposition be filed by November 19, 2019, and that reply briefs be filed by December 10, 2019.
2. On October 15, 2019, defendants Gordon Ernst, Donna Heinel, Jorge Salcedo, Jovan Vavic, and Niki Williams (the "defendants") filed motions to dismiss the single RICO conspiracy count alleged in the then-current Indictment. [D.262–270, 274].
3. On October 22, 2019, the government filed a 22-count Superseding Indictment. [D.272].
4. While many of the arguments raised in the defendants' previously-filed motions will apply to the Superseding Indictment, at least some of the defendants intend to revise their arguments as to the RICO count and to assert additional arguments relative to the newly-alleged counts.

5. Accordingly, the government and the defendants jointly propose the following revised schedule for briefing on Rule 12(b)(3)(B)(v) motions to dismiss the Superseding Indictment:

Revised motions and memoranda	December 20, 2019
Opposition memoranda	January 17, 2020
Reply briefs	February 14, 2020

Respectfully submitted,

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Dated: November 14, 2019

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

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Date: November 14, 2019